

REMARKS

This Amendment is in response to the Office Action, dated May 12, 2011 ("Office Action"). Claims 1-4, 6-24, 29, 31-33, 35-36, and 38-39 are pending; claims 1, 6, 7, 10, 11, 12, 14, 20, 22, 23, 24, 31, 32, and 35 having been amended; claims 16, 18-24, 31-33, 36, and 39 having been withdrawn; and claims 5, 25, 26, 27, 30, 34, 37, and 40 (claim 28 having been previously cancelled) having been cancelled by virtue of the present amendment. No new matter is added. Examination of the claims in view of the ensuing remarks is respectfully requested.

Claim 1 has been amended to include a pharmaceutically acceptable vehicle and to include the features of claim 5. No new matter is added. Support for this amendment can be found throughout the specification; for example, page 35, lines 26-28, page 36, lines 14 to page 38, line 9.

Claims 6 and 7 have been amended to adjust the claim dependency due to the cancellation of claim 5. No new matter is added.

Claims 10-12, 14, 20, 23, 24, and 35 have been amended to change "SEQ ID NO." to "SEQ ID NO:". No new matter is added.

Claim 22 has been amended to remove two instances of "is" due to an obvious typographical error. No new matter is added.

Claim 32 has been amended to remove a duplicative "is" due to an obvious typographical error. No new matter is added.

Election/Restriction Requirement

The Examiner asserts that Applicants traversed the restriction by arguing that a search for the claimed method will produce all references that disclose peptides falling within the scope of claim. The Examiner was not persuaded by Applicants' arguments, asserting that Applicants had the option of claiming the peptides per se and electing them, and thus, the restriction requirement is maintained. Applicants respectfully note for the record that while Applicants had the option of claiming the peptides per se and electing them, the search for the claim method including the peptides would still produce all the references that disclose the peptides falling within the scope of the claim, regardless of whether they (1) are claimed per se, (2) include a pharmaceutically acceptable carrier, or (3) a method of using them.

Objection

Claims 10, 11, 12 and 14 are objected to for the use of a period rather than a colon after “NO” in “SEQ ID NO.” The Examiner suggests replacing the period with a colon.

The claims have been amended as suggested by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Rejection under 35 U.S.C §112, second paragraph

The Examiner rejects claims 1-15, 29, 35, and 38 as allegedly being indefinite and failing to distinctly claim the subject matter which applicant regards as the invention for reasons of record. Applicants respectfully traverse this rejection.

While Applicants in no way concede to the merits of the Examiner’s rejection, in an effort to advance prosecution of the present invention, claim 1 has been amended to indicate that the composition also includes a pharmaceutically acceptable vehicle. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

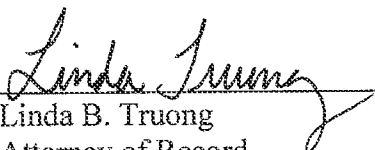
Rejection under 35 U.S.C. §103

The Examiner rejects claims 1-4 as allegedly being obvious over Azuma et al. (Peptides 21(3), 327-330, 2000) or Motizuki et al. (Biochemical Journal 342(1), 215-221, 1999) for reasons of record. Applicants respectfully traverse this rejection.

While Applicants in no way concede to the merits of the Examiner’s rejection, in an effort to advance prosecution, claim 1 has been amended to include the features of claim 5. Neither Azuma et al. nor Motizuki et al. disclose a polypeptide comprising “a tandem dimer repeat of: SEQ ID No. 1, SEQ ID No. 2, SEQ ID No. 96, or a derivative thereof wherein at least one amino acid residue, other than RKR motifs, is replaced by an Arginine (R), Tyrosine (Y), Methionine (M), Isoleucine (I), Phenylalanine (F), Tryptophan (W), or a derivative thereof.” Therefore, both Azuma et al. and Motizuki et al. cannot render obvious the claimed methods of using the compositions recited in the presently claimed invention. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.

All of the claims in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If for any reason Examiner finds the application other than in condition for allowance, Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 633-6800 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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